



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,672	09/30/2003	Marcus Kellerman	14973US02	5006
23446 7590 09/30/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER SCHNURR, JOHN R				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
09/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,672

Applicant(s)

KELLERMAN ET AL.

Examiner

JOHN R. SCHNURR

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This Office Action is in response to the Amendment after Non-Final Rejection filed 06/18/2008. Claims 1-29 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address limitations that have been added to claims 1-29 a response is considered necessary for several of applicant's arguments since reference Novak (US 2002/0104099) will continue to be used to meet several claimed limitations.

In response to applicant's argument (Remarks pg. 18 para. 2) that Novak does not disclose "wherein the selection from the media content is defined by the user", the examiner respectfully disagrees. Novak clearly teaches the media is transmitted in response to an end user request, [0085].

In response to applicant's argument (Remarks pg. 19 para. 1) that Novak does not disclose "the software platform is operable to communicate the media content to the communication network", the examiner respectfully disagrees. Novak teaches the source 122 uploads media content to the network, [0078], and the media source 122 is a STB, [0039].

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-29** are rejected under 35 U.S.C. 102(e) as being anticipated by **Novak (US Patent Application Publication 2002/0104099)**.

Consider **claim 1**, Novak clearly teaches a system for supporting multiple users of a communication device (**Fig. 1**), comprising:

a communication device communicatively coupled to a communication network; (**Fig. 3: STB 308 is coupled to the Internet 302, [0045].**)

media content disposed in the communication network or the communication device (**Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].**), the media content comprising broadcast media and personal media; (**The content maybe broadcast, [0027, or user created, [0062].**)

a software platform residing on the communication device (**[0077]**), the software platform receiving authentication information associated with a user of the communication device, (**Fig. 11: Access to the synthetic channel can be password protected, [0084].**) and facilitating a display of a user-defined selection from the media content by the communication device (**Fig. 11: Block 114, [0085]**) in a user-defined layout (**Fig. 7: The user defines the layout of the display, [0063].**), wherein the software platform is operable to communicate the media content to the communication network, (**Fig. 11: Media objects are uploaded to a server, [0078], the media source 122 is a STB, [0039].**) and wherein the selection from the media content is defined by the user (**The end user requests the media content, [0085].**) and corresponds to the received authentication information. (**Only authorized users can view the content, [0084]**)

Consider **claim 2**, Novak clearly teaches the communication network comprises one or more of a third party media server, a media storage server, a broadband access headend, a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet

infrastructure, a wired infrastructure, a closed communication infrastructure, a local area network, and a wireless infrastructure. **([0045])**

Consider **claim 3**, Novak clearly teaches the communication network comprises the Internet. **(Fig. 3: Internet 302, [0045])**

Consider **claim 4**, Novak clearly teaches the communication device comprises one or more of a computer, a storage device, a media peripheral, set-top box circuitry, a television, a display, and/or a remote control. **(Fig. 3 STB 308)**

Consider **claim 5**, Novak clearly teaches the media content comprises one or more of third party media content, user-created media content, digital video, digital images, digital audio, documents, files, broadcast television programs, radio channels, news programming, sporting events programming, special programming, and/or on-demand movies. **([0039])**

Consider **claim 6**, Novak clearly teaches the software platform performs on the media content one or more of accessing, sending, constructing the user-defined layout of the media content, displaying, text overlaying, voice overlaying, channel naming, managing authorship rights, managing media rights, managing billing services, and/or integrating the user-defined selection into the user-defined layout. **([0077]-[0086])**

Consider **claim 7**, Novak clearly teaches the user-defined layout comprises a channel view layout. **(Fig. 8)**

Consider **claim 8**, Novak clearly teaches the software platform can process a plurality of user-defined selections from the media content. **(The user selects media to view, [0085].)**

Consider **claim 9**, Novak clearly teaches each user-defined selection corresponds to a user-specific authentication information. **(Only authorized users may access the media content, [0084].)**

Consider **claim 10**, Novak clearly teaches the authentication information comprises one or more of a pin code, a voice key code, and/or a password. **([0084])**

Consider **claim 11**, Novak clearly teaches a second communication device communicatively coupled to the communication network, wherein the software platform communicates the user-defined selection in the user-defined layout to the second communication device. **(Fig. 11: A user uploads media objects organized into a synthetic channel to a server the server transfers the synthetic channel to a second communication device, [0077]-[0086].)**

Consider **claim 12**, see claim 1.

Consider **claim 13**, Novak clearly teaches the at least one processor sends the user-defined selection to the communication device for display in a user-defined layout. **(Content is uploaded to a server in a user-defined layout, [0078].)**

Consider **claim 14**, Novak clearly teaches the at least one processor determines whether to send the user-defined selection to a second communication device communicatively coupled to the communication network. **(Subscribed end users receive the EPG 153, [0080].)**

Consider **claim 15**, see claim 4.

Consider **claim 16**, Novak clearly teaches a system for supporting multiple users of a communication device, comprising:

a first display communicatively coupled to a first communication device;
a second display communicatively coupled to a second communication device; **(Fig. 1: STB 152 is connected to TV 154, [0032]. Fig. 3: There are multiple STBs 308.)**

a communication network communicatively coupled to the first communication device and the second communication device; **(Fig. 3: All STBs 308 are communicatively coupled to the Internet 302, [0045].)**

media content disposed in at least one of the communication network, the first communication device and the second communication device; **(Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].)**

a software platform residing on the first communication device **([0077])**, the software platform receiving information relating to a user-defined selection from the media content **(Fig. 11: Block 114, [0085])** and authorizing the delivery of the user-defined selection **(Fig. 11: Access to the synthetic channel can be password protected, [0084].)** to one or both of the first display and/or the second display **([0086])**, the user-defined selection being delivered in a user-defined layout, **(Fig. 7: The user defines the layout of the display, [0063].)** and wherein the selection from the media content is defined by a user of the first communication device **(The end user requests the media content, [0085].)** and corresponds to authentication information received from the user. **(Only authorized users can view the content, [0084])**

Consider **claim 17**, see claim 2.
Consider **claim 18**, see claim 7.
Consider **claim 19**, see claim 4.
Consider **claim 20**, see claim 5.
Consider **claim 21**, see claim 6.
Consider **claim 22**, see claim 11.
Consider **claim 23**, see claim 13.
Consider **claim 24**, see claim 7.
Consider **claim 25**, see claim 8.
Consider **claim 26**, see claim 9.

Consider **claim 27**, Novak clearly teaches the limitations in common with claims 1, 12 and 16. Further it is inherent in Novak that a second password maybe entered to access a second media content.

Consider **claim 28**, see claim 11.
Consider **claim 29**, see claim 13.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623